

Exhibit C

UNITED STATES DISTRICT COURT NORTHERN
DISTRICT OF CALIFORNIA SAN JOSE DIVISION

CHASOM BROWN, ET. AL,)
)
Plaintiffs,)
)
vs.)
) Case No.
GOOGLE, LLC,) 20-CV-03664
)
Defendant.)
-----)

REMOTE TRANSCRIPT OF PROCEEDINGS
FEBRUARY 16, 2022
12:08 p.m.

NOELLE C. KRAWIEC, CSR NO. 14255
OFFICIAL REPORTER PRO TEMPORE

1 APPEARANCES

2 FOR PLAINTIFF:

MORGAN & MORGAN

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5 BOIES SCHILLER FLEXNER

BY: MARK MAO, ESQ.

6 BY: BEKO RICHARDSON, ESQ.

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12 FOR DEFENDANT:

QUINN EMANUEL URQUHART & SULLIVAN

BY: JOSEF ANSORGE, ESQ.

13 BY: ANDREW SCHAPIRO, ESQ.

BY: BRETT WATKINS, ESQ.

14 BY: VIOLA TREBICKA, ESQ.

BY: TRACY GAO, ESQ.

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17
18 ALSO PRESENT:

DOUGLAS BRUSH, SPECIAL MASTER

TIMOTHY SCHMIDT, SPECIAL MASTER

1 And when we received the second set of searches
2 from plaintiffs, we made sure that all those searches
3 are conducted in the same way. And then that would
4 require, you know, the more elaborate and burdensome
5 looking at what we're calling cold storage data.

6 MR. MAO: So setting aside your decision,
7 Mr. Brush, on the cold storage issue -- which I agree
8 that we do need to address at some point -- can we at
9 least get an exhaustive list of what tools are available
10 to search UMA and just a description?

11 I don't see why getting that list would be
12 inconsistent with moving this forward. At least we have
13 that for the record. And, Mr. Brush, we do need that
14 for the record so that plaintiffs have shown that we've
15 demonstrated all due diligence in terms of searching
16 against the available data source.

17 Here, right now, I'm simply asking for a full
18 description of all the different tools that are
19 available to search that.

20 And with that, I'll give it back to you,
21 Mr. McGee.

22 SPECIAL MASTER BRUSH: Well, I'm going to pause
23 you right there because you have to understand my
24 concern a bit too, that it's -- what's the benefit of
25 that list? If it's just for the record, I can

1 appreciate that. But if this is this something that's
2 going to then be used to derail my process, I'm not
3 going to be thrilled about it.

4 That's my concern, is if we're going to point
5 and say, "What about this?"

6 I mean we have to assume there's a good-faith
7 effort that Google has made some attempts on this in a
8 seemingly significant matter to use the tools identified
9 to search the data in a responsive and productive way.

10 I do agree that it -- you know, greater
11 transparency is always helpful, as long as it's not
12 being used as something to play some "gotcha" games.
13 And if it's something where there's a legitimate
14 concern -- I'm not saying it's not something we can
15 address -- I just want to proceed with caution that if I
16 were to ask that -- order them to do that, that is not
17 something that's going to, again, be used as a kludge in
18 any fashion as a part of the remaining part of the
19 discovery process.

20 MR. MAO: Right.

21 So, Mr. Brush, it is relevant because it would
22 go to show what Google does -- actually does in the
23 regular course of business, even if you ultimately end
24 up denying searching beyond 8 days.

25 SPECIAL MASTER BRUSH: Okay.

1 over my head on, by all means, to the judge, go to --
2 but I mean the reality of the data as it is -- and we're
3 going to have to figure out constructive ways down the
4 road to marry those instances in this timeline in two
5 different tools. But right now it's we're going to be
6 searching that live data to get results so we can do a
7 better job at the historical data searches.

8 MR. MAO: Understood, Mr. Brush. And we
9 especially appreciate it with regard to the historical
10 data, because we agree.

11 SPECIAL MASTER BRUSH: Yes. And, again, these
12 are complicated issues. It's complicated technology. I
13 think we're all doing our best. But, you know, let's
14 work a little bit with what we have to do -- what we
15 have in front of us right now because it's going to give
16 us meaningful results that are going to help move the
17 process along in totality.

18 MR. MAO: Sorry. Mr. McGee?

19 MR. MCGEE: I don't really think that I have
20 anything else that I need -- that needs to be addressed,
21 other than the last question that we posed. And I hope
22 that, Mr. Ansorge, you don't need time to take that back
23 to Google.

24 But, you know, I recall during one of our calls
25 with the Special Master that certain Google employees

1 were either on holiday or otherwise unavailable. So,
2 you know, right now is there anything that impedes
3 Google from complying with the 4-day timeline production
4 as Judge Van Keulen ordered it in her November 12th
5 order?

6 MR. ANSORGE: Yes. So, Mr. McGee, it sounds
7 like you're asking me: If right now you provided us all
8 the searches, would all engineers be able to complete
9 them within 4 days? And I don't know the answer to
10 that.

11 My expectation is that we have the resources,
12 and we can do it. It's not going to be the same length
13 of time as the Christmas period. But, to be frank, four
14 days is a pretty heavy turnaround for a number of
15 different sources.

16 So I can tell you that we're putting our best
17 efforts to it; that we're going to have a number of
18 people working on it, and it's not during the holiday
19 period. But I'm not sure what else or what other
20 information I can provide to you.

21 One thing that I would like to be clear on is
22 that the 4-day timeline here will also be contingent on
23 the complexity of the search and the source that
24 plaintiffs select. There's going to be changes.

25 If these are IDs that are typically used that

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I, NOELLE C. KRAWIEC, OFFICIAL REPORTER
PRO TEMPORE OF THE SUPERIOR COURT OF THE STATE OF
CALIFORNIA, FOR THE COUNTY OF LOS ANGELES, DO HEREBY
CERTIFY THAT THE FOREGOING PAGES, 1 THROUGH 66, COMPRISE
A TRUE AND CORRECT TRANSCRIPT OF THE PROCEEDINGS TAKEN
IN THE ABOVE-ENTITLED CAUSE ON FEBRUARY 22,
2022.

 CSR 14255

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